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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,428	10/16/2001	Jeremy C.A. Procter	101159-26402	6259

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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,428

Applicant(s)

PROCTER, JEREMY C.A.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the aperture of the body portion with first open end and a second closed end recited in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 3, 5, and 16 are objected to because of the following informalities: Claim 3, line 2, "a plurality of location means" should be corrected to "a plurality of said location means", and claim 5, line 3, "the device" should be corrected to "the clamping device" to show antecedence. Claim 16 has two periods at the end. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Claim 1, recites "locations for the location of a base component" is vague and indefinite since applicant has only one location or opening in a single clamping device for the base component rod. The recitation that the entrance or exit of the channel are "shaped" to aid location in claim 8 is functionally indefinite. Further, in claims 8 and 9, applicant inferentially claims that there are entrance and exit in the channel when claim 7 only recites a single "open end" which makes the claims vague and indefinite. Claim 14, "the aperture" in lines 1-2 does not have proper antecedent basis. Regarding claim 26, "location means on the clamping device is angularly spaced" are vague since it is not clear angular relative to what.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-13, and 15-19 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs'228. Jacobs discloses an apparatus for protective guarding (the towel intermediate adjacent towels are guarded by adjacent towels) the guarding comprising a number of components (12) or guard panels (towels) joined together to form the guarding structure, the components joined together via a clamping device with a body portion (1) having number of location means or channels (9) within the body portion and protruding outward from the body portion which allows multiple directional clamping of components therewith wherein the components depend

radially from the clamping device, securing means being two spaced apart parallel members (3) joined by tightening of a bolt (4), wherein the body portion has open ends so the base component or rod (T) extends there through wherein the clamping device includes at least four location means spaced at 90 degrees from one another.

Claims 25-27 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Coulthard'987. Coulthard discloses a modular guarding apparatus having a number of spaced apart base components (9A) located therebetween are a plurality of panels (2) and secured thereto by clamping devices (note the plural clamps 3), the clamping **devices** including a location (clamping arms 3) to allow the clamp to be engaged with the base component (9A) and a series of spaced location means (note the plural clamps 3 spaced along rod 9A) with which the panels can be selectively engaged (at 6), wherein the location means on a single clamping device is angularly spaced from another single clamping device (note the panels when angled makes the location means 6 to be at an angle with one another).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-13, 15-19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coulthard'987 in view of Jacobs'228. Coulthard discloses a modular guarding apparatus having a number of spaced apart base components (9A)

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located therebetween are a plurality of panels (2) and secured thereto by clamping devices. However, Coulthard does not disclose the clamping device is body portion with open ends for receiving the base component rod with location means being channels and securing means with bolts and parallel members. Such clamping device with radially spaced location channels are old and well-known for connecting a number of components to a rod. Jacobs teaches such clamping device joining a number of components (12) or guard panels (towels) together, the components joined together via a clamping device with a body portion (1) having number of location means or channels (9) within the body portion and protruding outward from the body portion which allows multiple directional clamping of components therewith wherein the components depend radially from the clamping device, securing means being two spaced apart parallel members (3) joined by tightening of a bolt (4), wherein the body portion has open ends so the base component or rod (T) extends there through wherein the clamping device includes at least four location means spaced at 90 degrees from one another. It would have been obvious to one of ordinary skill in the art to substitute the clamping device of Coulthard for connecting components together to a base rod with the clamping device of Jacob for connecting components together to a base rod. Such modification would have involved a mere substitution of one well-known clamping device for the connection of components to a base rod for another well-known clamp device.

Claims 9, 14, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

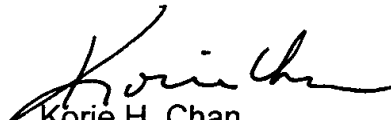
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
February 10, 2003